



Freedom of Information Policy 2023 - 2024

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. INTRODUCTION

- 1.1 The Freedom of Information Act 2000 (FoIA 2000) provides rights of public access to information held by public authorities.
- 1.2 It does this in two ways: 1. public authorities are obliged to publish certain information about their activities (by having a “publication scheme”); and 2. members of the public are entitled to request information from public authorities (subject to certain restrictions).
- 1.3 Where that information is environmental information, then the Environmental Information Regulations 2004 (EIR 2004) apply instead. See the Environmental Information Regulations Policy for further details.
- 1.4 The FoIA 2000 applies to the College as the College falls within the definition of a “public authority” as defined by the FoIA 2000. By virtue of paragraph 53(1) of Schedule 1, the definition of “public authority” includes

The governing body of—

(a) an institution within the further education sector,

...

- 1.5 The FoIA 2000 creates 2 separate principal obligations:
 - a) **an obligation to confirm or deny** that the public authority has the requested information; and
 - b) **an obligation to communicate** that information to the person making the request, sometimes referred to as “an Applicant”, sometimes as “a Requester”.

Version: May 2023	Next Review: May 2024	Author: Legal and Compliance Officer	SLT Owner: Director of Governance
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FREEDOM OF INFORMATION POLICY 2023 - 2024

- 1.6 The obligation does not necessarily extend to providing a copy of the document(s) that contains that information); it can be met by providing a description of that information instead.
- 1.7 The FoIA 2000 applies to any recorded information, including printed documents, computer files, letters, emails, photographs and sound or video recordings that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.
- 1.8 The FoIA 2000 does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a Subject Access Request instead. See the College's Subject Access Request Policy for further details.
- 1.9 Whether information falls to be disclosed in response to a request will depend on whether it relates to the College as a public body, the type of information it is (environmental information is dealt with under a separate policy and procedure), and whether or not an exemption(s) applies that prevents disclosure. For further details, see <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/#8>

2. SCOPE

- 2.1 The College's Freedom of Information Policy has been produced to ensure compliance with the provisions of the FoIA 2000 and EIR 2004. The policy and associated procedure incorporate guidance from the Association of Colleges and Information Commissioner's Office (ICO).
- 2.2 This policy applies to all members of staff including temporary or casual or agency staff, and contractors and suppliers working for, or on behalf of, the College.

3. RESPONSIBILITY

- 3.1 The Legal and Compliance Adviser will have day-to-day responsibility responding to any FoIA requests received by the College. The Legal and Compliance Adviser will also be responsible for ensuring that this policy and associated procedure remain up to date. Overall responsibility for ensuring compliance with this policy rests with the Director of Governance.

4. SUBMITTING A REQUEST

- 4.1 **For a request to be valid under the FoIA 2000 it must:**

a) **be in writing** (which includes email and fax and can **also** include requests via **social media**);

Version: May 2023	Next Review: May 2024	Author: Legal and Compliance Officer	SLT Owner: Director of Governance
-------------------	-----------------------	--------------------------------------	-----------------------------------

FREEDOM OF INFORMATION POLICY 2023 - 2024

b) **give the Requester's name and return address** (although the Requester may request that the response is sent to them via email); and

c) **describe the information being sought.**

4.2 Requests do not need to specifically mention the Freedom of Information Act 2000 (or "FoIA 2000") to be a valid; it can be inferred that it is a FoIA Request from its content, e.g. "how much does the College spend each year on electricity?".

4.3 However, it is helpful if any request does refer to the Act.

4.4 Freedom of Information Act requests can be made at any time, to any member of staff. However, **it is best to submit any request to either enquiries@askham-bryan.ac.uk or by emailing FreedomofInformation@askham-bryan.ac.uk**

5. RESPONDING TO REQUESTS

5.1 The College will respond to routine requests under the FoIA 2000 within the statutory time limit of 20 working days.

5.2 The FoIA 2000 does not allow extra time for responding to a request unless one of the qualified exemptions applies and more time is needed to determine whether the information should be disclosed under the "public interest" test.

5.3 The College can refuse to respond to a request under the following circumstances:

- if it would cost too much or take too much staff time to deal with the request or confirm whether the College holds the information (see section 7 below and section 12 FoIA 2000);
- the request is vexatious;
- the request repeats a previous request from the same person, or
- where an absolute exemption applies.

5.3 However, the College will also assist where it can, for instance, in reformulating the request so that it can be responded to.

5.4 It may be that the information requested has already been disclosed as part of the College's publication scheme in which case the College's response will be to direct the Requester to the appropriate part of the College's publication scheme.

6. PUBLICATION SCHEME

6.1 Section 19 of the FoIA 2000 places a duty on every public authority to:

a) adopt and maintain a scheme which relates to the publication of information by the authority and is approved by the ICO;

b) publish information in accordance with its publication scheme; and

Version: May 2023	Next Review: May 2024	Author: Legal and Compliance Officer	SLT Owner: Director of Governance
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FREEDOM OF INFORMATION POLICY 2023 - 2024

- c) review its publication scheme from time to time.
- 6.2 The College has adopted the model publication scheme approved by the ICO.
- 6.3 The College routinely publishes certain information on its website to meet the requirements of the ICO's model publication scheme. Hard copies of documents are available on request to either enquiries@askham-bryan.ac.uk or FreedomofInformation@askham-bryan.ac.uk
- 6.4 The Publication Scheme is reviewed on an annual basis and feedback from members of the public is encouraged to assist with the review process.
- 6.5 The Scheme sets out the types of information the College publishes in accordance with the guidelines set out by the ICO, and these are:
 - a) who we are and what we do;
 - b) what we spend and how we spend it;
 - c) what are our priorities and how we are doing;
 - d) how we make decisions;
 - e) our policies and procedures;
 - f) lists and registers; and
 - g) the services we offer.

7. CHARGES AND COSTS OF COMPLIANCE

- 7.1 The College has taken a policy decision not to charge for routine FoIA 2000 requests provided the cost of complying with the request does not exceed "the appropriate limit" as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Currently that limit is £600 for central government, Parliament and the armed forces and £450 for all other public authorities, calculated with reference to staff time at £25 per person per hour. This includes the cost of disbursements such as photocopying at 10p per sheet and postage.
- 7.2 There is no legal obligation to respond to a request where the costs of compliance exceed the appropriate limit.
- 7.3 The College may, at its discretion, however, choose to respond to a request where the costs of compliance exceed £450. If so, the College reserves the right to make charge for responding to such a request.
- 7.4 Where the College makes a charge for responding to the request, then the College requires payment of that sum on account before it will respond to the request. The

Version: May 2023	Next Review: May 2024	Author: Legal and Compliance Officer	SLT Owner: Director of Governance
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FREEDOM OF INFORMATION POLICY 2023 - 2024

period from the day of this notification to the day the College receives the payment does not count towards the time limit for responding to the request.

- 7.5 Where the Requester fails to make payment after 60 days from the date details of the charges were provided, then the College is no longer obliged to respond to the request.

8. RIGHT TO INTERNAL REVIEW

- 8.1 A Requester who is not satisfied with the College's response to their request has a right to request an internal review of the response within 40 working days of the response. To request an internal review, the Requester must contact the College in writing and explain why they believe the College did not comply with the FoIA 2000.
- 8.2 The internal review will be conducted by the Director of Governance, as the College's Data Protection Officer, and as a senior member of staff. The Director of Governance will make a fresh decision based on all the available evidence that was relevant at the date of the request for information. The internal review will not just be a review of the first decision. The Director of Governance will communicate the outcome of the review to the Requester within 40 working days of receiving their complaint.

9. RIGHT TO COMPLAIN TO THE ICO

- 9.1 A Requester who is dissatisfied with the outcome of the internal review has the right to complain to the Information Commissioner's Office ("ICO").

10. MONITORING AND REVIEW

- 10.1 The Director of Governance will maintain oversight of the effectiveness of these arrangements. This policy and the implementation arrangements which underpin it will be reviewed annually by the Director of Governance in conjunction with the Legal and Compliance Adviser.

11. RELATED DOCUMENTS

Freedom of Information Act Procedure
Environmental Information Regulations Policy
Environmental Information Regulations Procedure
Subject Access Request Policy
Subject Access Request Procedure

12. RELEVANT LEGISLATION

Freedom of Information Act 2000
Environmental Information Regulations 2004
Data Protection Act 2018
UK General Data Protection Regulation ('UK GDPR')

Version: May 2023	Next Review: May 2024	Author: Legal and Compliance Officer	SLT Owner: Director of Governance
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